

REMARKS

Claims 1 and 11 have been amended. Claims 6-10, 12 and 13 have been canceled. Claims 1, 3-5, 11 and 14-82 remain pending. Claims 5, 8 and 14-81 stand withdrawn as to a non-elected invention. Applicants respectfully request reconsideration of the above-referenced U.S. patent application in light of the amendments and following remarks.

Claims 1, 3, 4, 11 and 82 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,009,066 ("Yoo"). The rejection is respectfully traversed.

Claims 1 and 11 have been amended to further clarify the subject matter of the present invention over Yoo. Specifically, independent claims 1 and 11 have been amended to recite a corresponding feature regarding the function of a phase plate, *i.e.*, a method of converting polarization. Specifically, claim 1 now recites, *inter alia*, that the "phase plate substantially circularly polarizes one of the light beams of [a] first and second wavelengths and substantially elliptically polarizes another of the light beams of the first and second wavelengths, and wherein [the] phase plate is provided between [a] dichroic element and [an] objective lens." Claim 11 now recites, *inter alia*, that the "phase plate functions as a 1/4 wave plate to the light of [a] first wavelength and causes a level of noise generated by a returning light to be equal to or below a predetermined allowable level with respect to [a] light of [a] second wavelength."

The Office Action asserts that Joo "discloses the use of a 1/4 wavelength plate 36 corresponding to element 105a of the claimed invention falling between the dichroic element 35 and the objective lens 38." (p. 3). However, Joo does *not* disclose that the phase plate substantially circularly polarizes one of the light beams of the first and second wavelengths and substantially elliptically polarizes another of the light beams

of the first and second wavelengths. Similarly, Joo does not teach that the phase plate functions as a $1/4$ wave plate to the light of the first wavelength and causes a level of noise generated by a returning light to be equal to or below a predetermined allowable level with respect to the light of the second wavelength.

For at least these reasons, independent claims 1 and 11 should be in condition for allowance over Joo. Claims 3 and 4 depend from independent claim 1 and should be similarly allowable with claim 1 for at least the reasons provided above, and on their own merits. Claim 82 depends from independent claim 11 and should be similarly allowable with claim 11 for at least the reasons provided above, and on its own merits.

Claims 1, 3, 4, 11 and 82 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,876,619 ("Jutte"). The rejection is respectfully traversed.

The Office Action asserts that Jutte "shows the use of a $1/4$ wavelength plate 9 positioned between the dichroic element 8 and the objective lens 11." (p. 4). However, Jutte does *not* disclose that the phase plate substantially circularly polarizes one of the light beams of the first and second wavelengths and substantially elliptically polarizes another of the light beams of the first and second wavelengths. Similarly, Jutte does not teach that the phase plate functions as a $1/4$ wave plate to the light of the first wavelength and causes a level of noise generated by a returning light to be equal to or below a predetermined allowable level with respect to the light of the second wavelength.

For at least these reasons, independent claims 1 and 11 should be in condition for allowance over Jutte. Claims 3 and 4 depend from independent claim 1 and should be similarly allowable with claim 1 for at least the reasons provided above, and on their

own merits. Claim 82 depends from independent claim 11 and should be similarly allowable with claim 11 for at least the reasons provided above, and on its own merits.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to review and pass this application to issue.

Dated: November 14, 2005

Respectfully submitted,

By 

Mark J. Thronson

Registration No.: 33,082

DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP

2101 L Street NW

Washington, DC 20037-1526

(202) 785-9700

Attorney for Applicants